

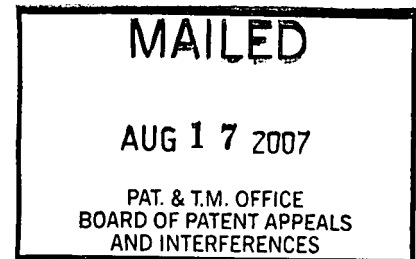
The opinion in support of the decision being entered
today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WALTER C. FIERS

Appeal 2007-3750
Application 08/452,658



ORDER DENYING HEARING

On June 27, 2007, Appellant filed a Request for Oral Hearing with a Request for Extension of Time under 37 C.F.R. § 1.136(b) in response to the Examiner's Answer mailed March 27, 2007. The request has been considered, however, this request is denied. 37 C.F.R. § 1.194 sets forth the requirements for the request for an Oral Hearing and is reproduced below.

§ 1.194 Oral Hearing.

(a) An oral hearing should be requested only in those circumstances in which the appellant considers such a hearing necessary or desirable for a proper presentation of his appeal. An appeal decided without an oral hearing will receive the same consideration by the Board of Patent Appeals and Interferences as appeals decided after oral hearing.

(b) If appellant desires an oral hearing, appellant must file a written request for such hearing accompanied by the fee set forth in § 1.17(g) within two months after the date of the examiner's answer. If the appellant requests an oral hearing and submits therewith the fee set forth in § 1.17(g), an oral argument may be presented by, or on behalf of, the primary examiner if considered desirable by either the primary examiner or the Board. See § 1.136(b) for extensions of time for requesting an oral hearing in a patent application and § 1.550 for extensions of time in a reexamination proceeding.

(c) If no request and fee for oral hearing have been timely filed by the appellant, the appeal will be assigned for consideration and decision. If the appellant has requested an oral hearing and has submitted the fee set forth in § 1.17(g), a day of hearing will be set, and due notice thereof given to appellant and to the primary examiner. Hearing will be held as stated in the notice, and oral argument will be limited to twenty minutes for the appellant and fifteen minutes for the primary examiner unless otherwise ordered before the hearing begins.


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In the instant application, Appellant requested the oral hearing a month after the expiration of the two month period from the date of the Examiner's answer. Since the Appellant did not comply with 37 C.F.R. § 1.136(b), the request for oral hearing is considered untimely, and thus is denied.

Accordingly, it is

ORDERED that the application be decided based upon the written record before the Board of Patent Appeals and Interferences.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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